

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOHN ALLEN LANOUE,

Plaintiff,

v.
THOMAS E. LEEDS, et al.,

Defendants.

Case No. 3:15-cv-00586-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 3) ("R&R") relating to plaintiff's application to proceed *in forma pauperis* (ECF No. 1) and *pro se* complaint (ECF No. 1-1). Plaintiff had until March 25, 2016, to file an objection. To date, no objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,

1 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
2 view that district courts are not required to review "any issue that is not the subject of an
3 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
4 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
5 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
6 which no objection was filed).

7 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
8 determine whether to adopt Magistrate Judge Cobb's R&R. Upon reviewing the R&R
9 and proposed complaint, this Court finds good cause to accept and adopt the Magistrate
10 Judge's R&R in full.

11 It is therefore ordered, adjudged and decreed that the Report and
12 Recommendation of Magistrate Judge William G. Cobb (ECF No. 3) is accepted and
13 adopted in its entirety.

14 It is further ordered that plaintiff's application to proceed *in form pauperis* (ECF
15 No. 1) is granted; however, pursuant to pursuant to 28 U.S.C. § 1915(b), he is still required
16 to pay the full amount of the filing fee over time. Within thirty (30) days of the date of this
17 order, Plaintiff will be required to pay an initial partial filing fee of \$34.92. Thereafter, Plaintiff
18 will be required to make monthly payments of twenty percent of the preceding month's
19 income credited to his account to be forwarded by the agency having custody over Plaintiff
20 to the Clerk of this Court each time the amount in Plaintiff's account exceeds \$10 until the
21 filing fee is paid..

22 It is further ordered that the Clerk detach and file the complaint (ECF No. 1-1).

23 It is further ordered that the complaint is dismissed with prejudice.

24 The Clerk is directed to close this case.

25 DATED THIS 9th day of May 2016.



26
27 MIRANDA M. DU
28 UNITED STATES DISTRICT JUDGE